

Notice of Allowability

Application No.

10/784,189

Examiner

Jared J. Fureman

Applicant(s)

KAWAI, HIROAKI

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 12/12/2005.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/955,973.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Jared J. Fureman
Jared J. Fureman
Primary Examiner
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DETAILED ACTION

Receipt is acknowledged of the amendment, filed on 12/12/2005, which has been entered in the file. Claims 1-6 are pending.

Allowable Subject Matter

1. Claims 1-6 have been allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance: The prior art of record, taken alone or in combination, fails to teach or fairly suggest (regarding claims 1 and 5) an apparatus for reading a code given to a commodity, comprising a medium reading unit which reads individual operator setting data stored in a recording medium, the individual operator setting data depending on personal characteristics of the manner of operation by the operator engaged in the reading operation and a frequent beam specifying unit which specifies the most frequently used beam of the plurality of beams owing to the personal characteristics of the manner of operation by the operator in the operation for reading the code; (regarding claim 4) a method of reading a code given to a commodity, comprising reading individual operator setting information stored in a recording medium, the individual operator setting information depend on personal features of operators engaged in the reading operation, and specifying the most frequently used beam of the plurality of beams owing to the personal characteristics of the manner of operation by the operator in the operation for reading the code, wherein the code is read in the reading step by using the specified

beam preferentially; in combination with the other claimed limitations as set forth in claims 1, 4 and 5.

Latimer et al (US 2002/0074402, previously cited) teaches determining which scan line was used to read the code (see paragraph 30). However, Latimer et al uses this information to provide feedback to the operator (see paragraph 30). Thus, by providing feedback to the user, Latimer et al attempts to modify the operator's actions to suit the scanner's settings, rather than change the scanner's settings to suit the operator.

Swartz et al (US 6,478,2258), Bridgelall et al (US 5,608,202), Swartz et al (US 6,015,090) and Hasegawa et al (US 4,859,840) all teach bar code scanners which are adaptive to the current use conditions or may otherwise have their operational settings adjusted. However, none specifically teaches reading individual operator setting information from a medium or specifying the most frequently used beam of the plurality of beams owing to the personal features of the operator, as recited in the claims.

Zancho (US 5,814,798) teaches a medium (a card, for example) that stored user preferences and reading the user preferences from the card in order to adjust devices settings (see the abstract). However, Zancho fails to teach using the medium with an apparatus or method for reading a code on a commodity and specifying the most frequently used beam of the plurality of beams owing to the personal features of the operator, as recited in the claims.

In view of the various teachings of the prior art of record, without the benefit of applicant's teachings, there is no motivation for one of ordinary skill in the art at the time

of the invention to combine the teachings of the prior art in a manner so as to create the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The teachings of Swartz et al, Bridgelall et al, Swartz et al, Hasegawa et al and Zanchi have been discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jared J. Fureman
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Primary Examiner
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jjf
February 28, 2006